

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO
TRUCKING LLC,

Defendants.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VIDEOTAPED DEPOSITION OF GARY T. BROWN
San Francisco, California
Friday, March 24, 2017
Volume I

Reported by: SUZANNE F. GUDELJ
CSR No. 5111
Job No. 2577644
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1 Q What were you asked to do?

2 MR. HOLMES: Same caution.

3 THE WITNESS: Investigate a laptop.

4 BY MR. GONZALEZ:

5 Q For what? 11:55:59

6 MR. HOLMES: Same caution.

7 THE WITNESS: To determine what had
8 occurred on them.

9 BY MR. GONZALEZ:

10 Q Such as? 11:56:17

11 A Indications of policy violation.

12 Q Did you find any indication of policy
13 violation?

14 A I'm unsure.

15 Q Approximately how many hours did you spend 11:57:03
16 in March of 2016 working on this event pertaining to
17 Mr. Levandowski?

18 MR. HOLMES: Objection to form.

19 THE WITNESS: Zero hours.

20 BY MR. GONZALEZ: 11:57:28

21 Q When did you spend your first hour working
22 on anything pertaining to Mr. Levandowski?

23 A July or August, 2016.

24 Q If there is an indication of policy
25 violation, is it your practice to fill out a form 11:57:45

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1 MR. HOLMES: I'm going to instruct the
2 witness not to answer on work product and
3 attorney-client privilege grounds.

4 BY MR. GONZALEZ:

5 Q Did you have any conversation -- or strike 12:14:00
6 that.

7 Did either Chelsea or the other woman from
8 HR say to you anything about legal counsel?

9 A I don't recall, but the implication is that
10 yes. 12:14:22

11 Q What do you mean by that?

12 MR. HOLMES: I'm going to instruct you not
13 to answer.

14 BY MR. GONZALEZ:

15 Q At the time you were doing the work in 12:14:32
16 March of 2016, had you heard of a company called
17 Otto?

18 A I may have.

19 Q Was that the name of the second job that
20 you referenced? 12:14:54

21 MR. HOLMES: I'm going to instruct you not
22 to answer.

23 MR. GONZALEZ: On the grounds of privilege?

24 MR. HOLMES: Attorney work product.

25 MR. GONZALEZ: Just for my record, which 12:15:12

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1 attorney?

2 MR. HOLMES: Pardon me?

3 MR. GONZALEZ: Yeah, which -- which

4 attorney are you referring to?

5 MR. HOLMES: Google and/or Waymo counsel 12:15:25
6 generally.

7 BY MR. GONZALEZ:

8 Q Your declaration -- your declaration makes
9 reference to 14,000 files; do you recall that?

10 A Yes. 12:15:40

11 Q When did you -- are you the person who
12 discovered that there were 14,000 files allegedly
13 downloaded?

14 A No.

15 Q Who discovered that? 12:15:50

16 MR. HOLMES: Caution you not to disclose
17 any attorney-client communications or work product.

18 MR. GONZALEZ: Well, I'm telling you it's
19 a -- it's a waiver once it makes its way into a
20 declaration filed in federal court. So let me do it 12:16:09
21 this way.

22 BY MR. GONZALEZ:

23 Q You say in your declaration, paragraph 17,
24 that based on your review of logs, Mr. Levandowski
25 alledgedly downloaded over 14,000 files. Do you see 12:16:30

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1 other Uber employee who may have taken information
2 from Google?

3 MR. HOLMES: Same instruction. To the
4 extent that he's asking about anybody other than the
5 three individuals identified in your declaration, 12:31:47
6 which is why we're here, I'm instructing you not to
7 answer.

8 MR. GONZALEZ: Okay. We're here for more
9 than just that.

10 BY MR. GONZALEZ: 12:32:17

11 Q With respect to Mr. Raduta and the three
12 documents that you identify in paragraph 29, those
13 three documents were exported to his company
14 computer, right?

15 A I'm uncertain. 12:32:42

16 Q You don't have any reason to dispute that,
17 do you?

18 MR. HOLMES: Objection to form.

19 THE WITNESS: Not currently.

20 BY MR. GONZALEZ: 12:33:00

21 Q Is there some ongoing work that you're
22 doing to try to figure that part out?

23 MR. HOLMES: Objection. You don't have to
24 answer that. That's attorney work product.

25 BY MR. GONZALEZ: 12:33:10

1 Q Is there a way to figure that out?

2 MR. HOLMES: Objection to form.

3 THE WITNESS: Possibly.

4 BY MR. GONZALEZ:

5 Q What way would that be? 12:33:25

6 A Some ways include forensic analysis of the
7 hard drive; correlation of logs that contain a
8 machine certificate with these logs and looking for
9 similar device fingerprints.

10 Q Have you done any of that analysis for 12:34:02
11 these three documents?

12 MR. HOLMES: Objection. Calls for attorney
13 work product. I instruct you not to answer.

14 MR. GONZALEZ: Wow. Okay.

15 MR. HOLMES: All right. Look -- 12:34:12

16 MR. GONZALEZ: All right. I get it. We're
17 going to move to strike this stuff. I'm just going
18 to tell you, we're going to file an administrative
19 motion to strike all of these allegations because
20 you're instructing him not to answer questions that 12:34:23
21 go right to the heart of what's in his declaration.
22 You cannot do that. You can't use a privilege as a
23 sword and a shield. I mean --

24 MR. HOLMES: If you want to -- listen, I'll
25 let you -- I'll let you -- I'll let you ask that 12:34:33

1 last question, and I'll let him answer that last
2 question 'cause that goes -- you're right. I don't
3 disagree that that goes to the analysis in his
4 declaration.

5 MR. GONZALEZ: That's what I'm trying to 12:34:42
6 focus on.

7 MR. HOLMES: My apologies. I'll withdraw
8 that -- that last instruction, and you can ask
9 him --

10 MR. GONZALEZ: All right.

11 MR. HOLMES: -- specific because that
12 relates to this declaration.

13 MR. GONZALEZ: Exactly.

14 BY MR. GONZALEZ:

15 Q The analysis that you just mentioned, have 12:34:50
16 you done that analysis with respect to these three
17 devices in paragraph 29?

18 A Yes.

19 Q What did you find?

20 A Some of them -- not exhaustively. My 12:35:05
21 existing analysis suggests it was downloaded on the
22 work laptop.

23 Q Do you have any basis for believing that
24 Mr. Raduta downloaded that information to anything
25 other than his work laptop? 12:35:26

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